

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Penny M. Faile
403 North Ashe Street
Kershaw, South Carolina 29067.

SCDOI File Number 115212.

**Consent Order Revoking
Resident Insurance Agent's License**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Penny Faile, a licensed South Carolina resident insurance agent.

According to a complaint received by this Department from the Williams Insurance Agency, on or about June, 2002, and thereafter, Ms Faile is alleged to have embezzled monies from said Company and her job was terminated for cause. This type of action constitutes a crime of moral turpitude in South Carolina.

Ms. Faile was informed of her statutory privilege and both parties agreed, rather than proceed forward with a formal public hearing, to submit the entire matter to me, along with their specific recommendations, for my summary decision based solely upon the record. That mutual recommendation was that Penny M. Faile would voluntarily surrender her license for revocation.

Section 38-43-130 (Supp. 20001) of the South Carolina Code provides in part that, "...the director or his designee may revoke or suspend an agent's license after ten days' notice or refuse to reissue a license when it appears that an agent has been convicted of a crime involving moral turpitude, has violated this title or any regulation promulgated by the Director, or has willfully deceived or dealt unjustly with the citizens of this State." Furthermore, Code Section 38-43-50 (Supp. 2001) provides that in order to fully qualify to transact business as an insurance agent within the State of South Carolina, a licensee must demonstrate that he or she is trustworthy. 25A - S.C. Code Ann. Reg. 69-23 § (6) (1989) lists the qualifications required to be licensed as an insurance agent. Subsection (g) provides that one's criminal record will serve as evidence of one's moral character and trustworthiness. Barring intervening circumstances, a conviction of moral turpitude would clearly indicate a lack of moral character and prevent continued licensure as a resident insurance agent in the State of South Carolina.

In accordance with my findings of fact, I now conclude, as a matter of law, that Penny Faile is in fact guilty of committing a serious crime of moral turpitude and wilfully deceived and dealt unjustly with a citizen of this State", thereby violating S.C. Code Ann. § 38-43-130.

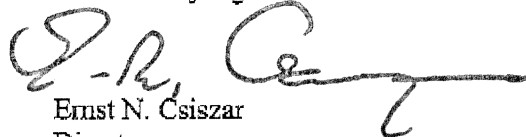
Penny M. Faile

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-40-10 *et seq.* (1991 and Supp.2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110(4) (Supp. 2000).

It is therefore ordered that the license of Penny Faile to do business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked and that no license, issued through the State of South Carolina Department of Insurance is to be issued to Penny M. Faile thereafter.

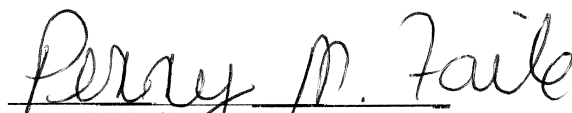
It is further ordered that a copy of this consent order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Penny M. Faile is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

This consent order becomes effective as of the date of my signature below.


Ernst N. Csiszar
Director

November 7, 2002
Columbia, South Carolina

I CONSENT:


Penny M. Faile
403 North Ashe Street
Kershaw, South Carolina 29067.

Dated this 7 day of November, 2002.